

## **REMARKS**

Applicants hereby request further consideration of the application in view of the amendments above and the comments that follow.

Applicants respectfully request entry of the foregoing amendments, which place the present application in condition for allowance or in better form for appeal.

### **Information Disclosure Statement**

Per the Examiner's request, Applicants submit herewith a duplicate copy of the form PTO-1449 that accompanied Applicants' IDS filed on October 30, 2000 for initialing by the Examiner.

### **Status of the Claims**

Claims 1-24, 26-34 and 40-63 are pending in the application. Claims 1-1-9, 14, 16-19, 21-24, 26-30, 32, 33, 40-50 and 63 stand rejected under Section 102 as being unpatentable over U.S. Patent No. 5,140,746 to Debbaut<sup>1</sup> (Debbaut '746). Claims 4-8, 29, 33, 44, 45 and 49 stand rejected under Section 103(a) as being unpatentable over Debbaut '746 in view of Applicant's Admitted Prior Art (AAPA). Claims 9, 14, 16-19, 21, 30, 46-48, 50 and 63 stand rejected under Section 103(a) as being unpatentable over Debbaut '746 in view of U.S. Patent No. 5,821,460 to Marmy (Marmy). Claims 22, 23, 26 and 43 stand rejected under Section 103(a) as being unpatentable over Debbaut '746.

Claims 10-13, 15, 20, 31 and 51 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 34 and 52-62 have been allowed.

### **The Rejections Under Sections 102 and 103**

#### **Claim 3:**

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<sup>1</sup> The Action states that the rejection is in view of U.S. Patent No. 4,634,207 to Debbaut. However, it is clear from the elements cited by the Action in support of the rejection that U.S. Patent No. 5,140,746 is intended.

Claim 3 has been amended to depend from allowed Claim 52.

**Claims 4-8:**

Claim 4 has been rewritten in independent form. Claim 4 stands rejected under Section 103 over Debbaut '746 in view of the AAPA. The Action contends that it would have been obvious to use a pin as taught by the AAPA as a means for retaining in the device of Debbaut '746 in order to provide a stronger means for retaining. However, Debbaut '746 is directed to a different type of device than contemplated by the AAPA, namely, a crimp connector. Inasmuch as the crimp connector of Debbaut '746 provides its own mechanism for securing the conductors 30, 32 to the insulated layer 28, it would not have been obvious to the ordinarily skilled artisan to have modified the device of Debbaut '746 to additionally include a pin as claimed. Nor would it have been obvious to replace the connector 26 with a pin, as the connector 26 is relied upon to ensure electrical continuity between the conductors 30, 32. Accordingly, Applicants respectfully submit that Claim 4 is novel and nonobvious in view of the cited art.

Claims 5-8 depend from Claim 4 and are therefore allowable as well for at least the foregoing reasons.

Claim 5 is further distinguishable in that it recites that the pin includes a shaft and a plurality of barbs extending outwardly from the shaft. The Action contends that Applicants have not disclosed that such feature solves any stated problem or is for any particular purpose, and that it appears that the invention would perform equally well with or without said barbs. Applicants respectfully direct the Examiner's attention to page 7, lines 15-17, for example, of Applicants' specification wherein Applicants note that the barbs may help to resist removal of the pin.

Claim 7 is further distinguishable in that it recites that the pin is connected to the cap by an integrally molded bridge member. The Action contends that Applicant has not disclosed that such feature solves any stated problem or is for any particular purpose, and that it appears that the invention would perform equally well with or without said integrally molded bridge member. Applicants respectfully direct the

Examiner's attention to page 16, lines 8-17 (and, particularly, lines 16-17), for example, of Applicants' specification wherein Applicants note that the integrally molded bridge member may reduce the number of loose pieces a user must handle.

Regarding Claim 8, the Examiner contends that "the modified Debbaut discloses the kit (24) of Claim 4 wherein said cap (28) is formed of a frangible thermoplastic elastomer (col. 4, lines 5-6)." However, the cited passage does not in any way suggest a frangible elastomer. Nor does it appear that a frangible elastomer would be suitable for use as the insulated layer 28 as this layer must withstand the compressive force from a tool as needed to crimp the connector 26.

**Claims 9-20:**

Claim 9 has been rewritten in independent form. Claim 9 stands rejected under Section 103 over Debbaut '746 in view of Marmy. The Action contends that it would have been obvious to use a clamp as taught by Marmy as a means for retaining in the device of Debbaut '746 in order to provide a more secure means for retaining. However, Debbaut '746 is directed to a different type of device than contemplated by Marmy, namely, a crimp connector. Inasmuch as the crimp connector of Debbaut '746 provides its own mechanism for securing the conductors 30, 32 to the insulated layer 28, it would not have been obvious to the ordinarily skilled artisan to have modified the device of Debbaut '746 to additionally include a clamp as claimed. Nor would it have been obvious to replace the connector 26 with a clamp, as the connector 26 is relied upon to ensure electrical continuity between the conductors 30, 32. Accordingly, Applicants respectfully submit that Claim 9 is novel and nonobvious in view of the cited art.

Claims 14 and 16-19 depend from Claim 9 and are therefore allowable as well for at least the foregoing reasons.

Claim 17 depends from Claim 9 and further recites a flexible tie wrap to secure the clamp in a closed position about the cap, gel and connection. The Action cites the releasable closure strap 3 of Marmy as corresponding to the claimed flexible tie wrap. However, as best understood, the Action also cites the releasable closure

strap 3 as corresponding to the claimed clamp. Applicants respectfully submit that the strap 3 cannot properly correspond to both the claimed tie wrap and the claimed clamp. Accordingly, the cited art fail to teach or suggest these further aspects as recited in Claim 17.

Claim 18 depends from Claim 17 and further recites first and second passages defined in the clamp and adapted to receive the tie wrap. The Action refers to the arrangement shown in Figure 3BB of Marmy. However, the slots illustrated in Figure 3BB are defined in the cap itself, not a clamp for use with a cap as claimed. Thus, the invention of Claim 18 is further distinguishable from the cited art for at least these reasons.

The Action indicates that Claims 10-13, 15 and 20 are directed to allowable subject matter.

**Claim 21:**

Claim 21 has been rewritten in independent form. Claim 21 stands rejected under Section 102 over Debbaut '746. However, no corrugations are apparent from the cited passage (col. 4, lines 8-10) of Debbaut '746. Rather, the cited passage merely discloses an embodiment wherein insulation on the conductors 30, 32 is displaced to permit electrical contact between the connector 26 and the conductors 30, 32.

Claim 21 also stands rejected under Section 103 over Debbaut '746 in view of Marmy. The Action states:

Regarding claim 21, the modified Debbaut discloses the kit fo claim 1 wherein said cap (2 in fig. 1 of Marmy) includes a plurality of expandable corrugations (5 in fig. 1 of Marmy).

However, Debbaut '746 is directed to a different type of device than contemplated by the Marmy, namely, a crimp connector. The effective size of the device of Debbaut '746 is limited by the connector 26, not the insulated layer 28. Thus, there is no

motivation apparent from the art of record for modifying the device of Debbaut '746 to include corrugations in the insulated layer 28.

**Claims 22 and 23:**

Claims 22 and 23 have been amended to depend from allowed Claim 52.

**Claims 26-28:**

Claims 26-28 have been amended to depend from allowed Claim 61.

**Claim 29:**

Claim 29 has been rewritten in independent form. Claim 29 stands rejected under Section 103 over Debbaut '746 in view of AAPA. Claim 29 recites a pin extending through a cap and a crotch of a stub connection. Accordingly, Claim 29 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 4.

**Claims 30 and 31:**

Claim 30 stands rejected under Section 103 over Debbaut '746 in view of Marmy. Claim 30 recites a means for retaining including a clamp. Accordingly, Claim 30 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 9.

The Action indicates that Claim 31 is directed to allowable subject matter.

**Claim 32:**

Claim 32 has been rewritten in independent form. Claim 32 stands rejected under Section 102 over Debbaut '746. However, no corrugations are apparent from the cited passage (col. 4, lines 8-10) of Debbaut '746.

**Claim 33:**

Claim 33 stands rejected under Section 103 over Debbaut '746 in view of AAPA. Claim 33 recites a pin extending through a cap and a crotch of a stub connection. Accordingly, Claim 33 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 4.

**Claims 40-43:**

Claim 40 as examined stands rejected under Section 102 over Debbaut '746. Claim 40 as amended recites a step of "pre-forming an electrical stub connection including a pair of elongated, electrically conductive elements joined at respective terminal ends thereof" and "placing a cap and gel over the pre-formed stub connection." By contrast, the device of Debbaut '746 is a crimp connector for joining conductors 30, 32. As such, Debbaut '746 does not contemplate placing, and one of ordinary skill in the art would not be motivated to place, the device of Debbaut '746 over a pair of conductors (*e.g.*, the conductors 30, 32) if the conductors were already pre-formed to form a joined stub connection. That is, the Debbaut device is intended to form a stub connection, and not for applying over a stub connection that has already been formed.

**Claims 44 and 45:**

Claim 44 has been rewritten in independent form. Claim 44 stands rejected under Section 103 over Debbaut '746 in view of AAPA. Claim 44 recites a step of inserting a pin through a cap and a crotch of a stub connection. Accordingly, Claim 44 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 4.

Claim 45 depends from Claim 44 and is therefore allowable as well for at least the foregoing reasons.

**Claim 46:**

Claim 46 has been rewritten in independent form. Claim 46 stands rejected under Section 103 over Debbaut '746 in view of Marmy. Claim 46 recites a step of securing a clamp about a cap. Accordingly, Claim 46 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 9.

**Claim 48:**

Claim 48 has been rewritten in independent form. Claim 48 stands rejected under Section 103 over Debbaut '746 in view of Marmy. Claim 48 recites a step of expanding corrugations in a cap. Accordingly, Claim 48 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 21.

**Claim 49:**

Claim 49 stands rejected under Section 103 over Debbaut '746 in view of AAPA. Claim 49 recites the step of inserting a pin through a cap and a crotch of a stub connection. Accordingly, Claim 49 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 4.

**Claims 50 and 51:**

Claim 50 stands rejected under Section 103 over Debbaut '746 in view of Marmy. Claim 50 recites the step securing a clamp about a cap. Accordingly, Claim 50 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 9.

The Action indicates that Claim 51 is directed to allowable subject matter.

**Claim 63:**


Claim 63 stands rejected under Section 103 over Debbaut '746 in view of Marmy. Claim 63 recites a means for retaining including a clamp. Accordingly, Claim 63 is distinguishable from the art of record for at least the reasons discussed above with regard to Claim 9.

Moreover, Claim 63 recites that the first and second members are fully separable.<sup>2</sup> Applicants are unable to discern what features of the Marmy device could reasonably be regarded as fully separable first and second members, each having first and second latch structures capable of interlocking as claimed.

### CONCLUSION

Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

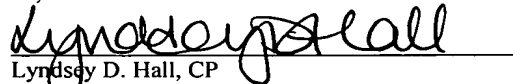


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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 16, 2003.

  
Lyndsey D. Hall, CP  
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<sup>2</sup> Exemplary embodiments of the claimed invention are illustrated in Figures 23 and 24 of Applicants' specification.